

RESOLUTION NUMBER R- 312349

DATE OF FINAL PASSAGE APR 15 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING AN INTENTION TO SUBMIT AN INITIATIVE PETITION TITLED "FOR A BETTER SAN DIEGO" TO THE VOTERS OF THE CITY OF SAN DIEGO AT A MUNICIPAL SPECIAL ELECTION TO BE HELD IN MARCH 2020, SUPERSEDING RESOLUTION NO. R-311981.

WHEREAS, on July 9, 2018, an initiative petition titled "For A Better San Diego" (the initiative petition) was filed with the City Clerk on behalf of the initiative petition's proponents; and

WHEREAS, the initiative petition asks voters to approve an increase to the Transient Occupancy Tax (TOT) paid by visitors to the operators of hotels, campgrounds and other sites in the City of San Diego (City), with revenues raised by the additional TOT reserved for San Diego Convention Center purposes, including expansion and modernization; programs and services to reduce homelessness in the City; and street repairs, improvements, and maintenance in the City; and

WHEREAS, the initiative petition also includes provisions regarding the City's issuance of related bonds; and

WHEREAS, upon completion of a prima facie review, the City Clerk accepted the initiative petition as filed, in compliance with San Diego Municipal Code (Municipal Code) section 27.1021; and

WHEREAS, the City Clerk submitted the initiative petition to the San Diego County Registrar of Voters (Registrar of Voters) for signature verification; and

WHEREAS, on August 8, 2018, the Registrar of Voters completed its verification of three percent of the signatures selected at random from the petition in accordance with Municipal

Code section 27.1022, and certified that the sample showed that the projected number of valid signatures fell between 95 percent and 110 percent of the number of signatures needed to declare the petition sufficient; and

WHEREAS, as a result of the random sample, the Registrar of Voters, following California Elections Code section 9115, then conducted a signature-by-signature examination and verification of the petition signatures; and

WHEREAS, on September 20, 2018, the Registrar of Voters certified that the initiative petition contained the valid signatures of ten percent of the City's registered voters at the last general election, sufficient under Charter section 23 to qualify the initiative for direct submission to the voters; and

WHEREAS, on September 20, 2018, the City Clerk certified that the signatures on the petition were sufficient to qualify the initiative for consideration for adoption or submittal to the voters; and

WHEREAS, on September 25, 2018, in compliance with Municipal Code section 27.1027, the City Clerk presented the initiative petition, with its certification attached, to the Council; and

WHEREAS, in compliance with Municipal Code section 27.1034, if the initiative petition presented to the Council contains the signatures of ten percent or more of the voters, the City Council shall, within ten business days of the date of presentation, adopt or reject the legislative act as presented, but may not amend it; and

WHEREAS, in compliance with Municipal Code sections 27.1034 and 27.1035, the Council shall consider the petition and either (1) grant the initiative petition and adopt its provisions in full; or (2) adopt a resolution of intention to submit the matter to the voters at a

special election, and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, the initiative petition seeks to increase the City's Transient Occupancy Tax, and the Council does not have the legal authority under the California Constitution to increase a tax on its own vote; thus, the Council does not have authority to grant the initiative petition and adopt its provisions in full; and

WHEREAS, initiative measures that seek to increase a tax must be submitted to the voters for approval; and

WHEREAS, Charter section 23 directs that initiated legislative acts that qualify for the ballot "shall be submitted to the electorate at a Municipal Special Election consolidated with the next City-wide Municipal General Election ballot on which the measures legally can be placed, or at a City-wide Municipal Special Election held prior to that general election"; and

WHEREAS, on October 8, 2018, the Council considered the initiative petition and adopted Resolution No. R-311981, which stated the Council's intention to: (1) submit the initiative petition to the voters at a citywide election; and (2) directed the City Attorney to prepare an ordinance placing the matter on the ballot at a Municipal Special Election to be consolidated with the next City-wide Municipal General Election ballot in November 2020, unless the Council decides to place the matter on the ballot of a City-wide Municipal Special Election to be held prior to that general election; and

WHEREAS, the Mayor has now requested that the Council reconsider the October 8, 2018 resolution of intent, adopt this resolution to supersede the previous resolution (No. R-311981), and express the intention that the initiative petition be submitted to the voters on the ballot at a Municipal Special Election anticipated to be held on the same day as the Municipal Primary Election that will be held in March 2020; and

WHEREAS, Charter section 23 allows the citizens' initiative measure to be heard at the March 2020 election if the Council so chooses; and

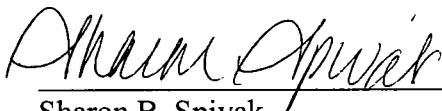
WHEREAS, pursuant to Charter section 295(b), the Council's resolution of intention related to matters to submit to City voters at a Municipal Special Election is not subject to veto by the Mayor, and thus the date of its passage by the Council shall be deemed the date of its final passage; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council declares its intention that this Resolution shall supersede Resolution No. R-311981 (October 8, 2018).

2. The Council directs the City Attorney to prepare an ordinance submitting the "For A Better San Diego Initiative" to the voters of the City of San Diego at a City-wide Municipal Special Election to be consolidated with the next City-wide Municipal Primary Election ballot in March 2020.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Sharon B. Spivak  
Senior Deputy City Attorney

SBS:jvg  
02/28/19  
Or.Dept: Mayor  
Doc. No.: 1930188

Passed by the Council of The City of San Diego on APR 15 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 15 2019.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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